

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

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* Docket No.: DCA 06 MM 001

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Interview of: LILLIAN MILEK

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, D.C. 20594

Wednesday,
 October 5, 2005

The above-captioned matter convened, pursuant to
 notice, via telephone, at 9:42 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER

National Transportation Safety Board

PAT BARNES

National Transportation Safety Board

MAJ. STEVE RIVENBURGH

New York State Park Police

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I N T E R V I E W

(9:42 a.m.)

MS. BURER: Okay, my name is Mariette Burer with the National Transportation Safety Board. Today is October 5th, 2005 and it is approximately 9:42 in the morning. To my left is --

MS. MILEK: Lillian Milek.

MS. BURER: Okay.

MS. BARNES: And I'm Pat Barnes, the National Transportation Safety Board.

MAJ. RIVENBURGH: Steve Rivenburgh, New York State Park Police.

INTERVIEW OF LILLIAN MILEK

BY MS. BURER:

Q. Okay, Ms. Milek, what I would like for you to do is tell me how your day evolved on Sunday, October 2nd.

A. Prior to getting on the boat?

Q. Yes.

A. Well, we drove in from North Conway, New Hampshire, and we got to Lake George in time for lunch.

Q. Um-hum.

A. So everyone got off the bus and we went to different restaurants. And then we were told to meet back at the bus at approximately two o'clock. From that time we would go toward the bus -- I mean, toward the boat. And we were in walking

1 distance of where we were to get on the boat, so everyone just
2 walked there. And we had a wait a little bit before we
3 actually got on the boat. And I was thinking, is this the boat
4 we're going to on? I expected to go on one of the larger
5 boats.

6 Q. Okay.

7 A. And I really didn't like the appearance of the boat.
8 And I was looking for my tour director, but I couldn't find
9 her. So they started boarding us and I was near one of the
10 last people to get on, so that's why we were sitting towards
11 the back of the boat. And three people did not get on from our
12 group. And then the captain -- everyone was seated and we
13 started off. It was a nice ride and he pointed out places, you
14 know, of interest along the way, large houses. And I thought
15 the water was calm, and boats did go by us. And I did see the
16 big three-decker touring boat on the other side of the lake and
17 it was going in the same direction we were going, but he was a
18 long distance away from us.

19 Q. Um-hum.

20 A. And then we came to this, what I call a little cove
21 area, and the boat slowed down and he was just talking about
22 the area, and I was looking to my left. And then all of a
23 sudden, the boat started tilting to the left and I thought to
24 myself, why is the boat tilting this way? And I thought, well,
25 it's going to right up. And did kind of go back, and then it

1 tilted over again and it just kept going. When we got over far
2 enough, I looked to my right and I could see the people that
3 were sitting to my right flying off their seats. And then the
4 next you know, the boat completely turned over. And when I
5 came up, I hit the bottom of the boat, you know, because the
6 floor was on top of us. And I could see. I had my eyes open
7 and I could see it was light underneath the boat, and I could
8 see people thrashing around and I just thought, how am I going
9 to get out of this, get out from under the boat? And I really
10 cannot tell you how I got out. I just managed to swim to my --
11 sideways, and when I could see more light above me, and then I
12 came up and I was right beside the boat when I surfaced.

13 And then I don't know if that was the very stern of
14 the boat. And my sister-in-law was beside me and my brother-
15 in-law was beside me. And I did see one person floating face
16 down. And I didn't see anyone else clinging to the boat on our
17 side. And I -- the next thing I know is, the motor made a big
18 bang sound and all this black smoke came out. And then we just
19 waited for anyone to come. And I can't tell how long we were
20 in the water. I really don't know.

21 A pleasure boat came. It came to the stern of the
22 boat, and they started throwing over their life preservers. So
23 I was able to swim and get one of the life preservers and I
24 came back to the boat and gave it to my sister-in-law because
25 she could not swim. And then I swam to the boat and got on the

1 boat, and then she came and they got her on the boat. And my
2 brother-in-law was still in the water and he was floating away
3 from the boat, but some other boat picked him up.

4 Then, after a period of time, we had about, I think,
5 seven people on our boat. Then I noticed that the boat that we
6 had been on was sinking, and I just remember seeing the captain
7 staying at the very end of the boat. Then they, you know, got
8 us to shore. They covered us up with blankets and gave us
9 water and checked us out and asked if anyone -- how everyone
10 was feeling.

11 Q. Did you sustain any injuries at all?

12 A. No.

13 Q. Okay.

14 A. No, I didn't.

15 Q. So you never were admitted to the hospital?

16 A. No, just -- just that they took us there and checked
17 us over, but I was not admitted.

18 Q. Okay. And you just said something about that you
19 actually -- the last picture you saw was seeing the captain --

20 A. Well, a man in a blue jacket --

21 Q. Right.

22 A. -- staying with the boat. He didn't leave the back
23 of the boat --

24 Q. Okay.

25 A. -- and the boat was sinking and he stayed right

1 there. That's all I can remember and I really didn't know it
2 was the captain, but it was a man in a blue jacket.

3 Q. Okay.

4 A. So maybe it wasn't him. I don't know.

5 Q. Were all the windows open?

6 A. Yes, the windows were open. They had -- I don't know
7 if they -- I think it looked like plastic windows and they were
8 secured to the top of the roof. And I -- when I got on the
9 boat, I looked for life preservers and I said to my brother-in-
10 law, where do they keep the life preservers, because sometimes
11 they are up above your head. And then I looked to the front of
12 the boat and I saw this green box that said life preservers.

13 Q. Do you remember if it was children's or adult life
14 preservers that you saw?

15 A. I'm really not aware. Just -- to me it was just a
16 green box and it just said life preservers.

17 Q. And which green --

18 A. It was up front.

19 Q. Okay, got it. All right. When you were going around
20 the island, do you remember what the conversation -- or what
21 the captain was saying and telling you about that particular
22 island or anything nearby, the home? I believe there was
23 maybe --

24 A. There was -- it was land, you know. I didn't think
25 it was an island.

1 Q. Okay.

2 A. It was like a cove.

3 Q. A cove, okay.

4 A. And it had a lot of trees on it and you could see a
5 house inside the trees.

6 Q. Okay.

7 A. And there wasn't on the shoreline, it was rocky
8 and -- so there was no beach at that point. And that was the
9 one that kind of stuck out into the bigger part of the lake.

10 Q. Okay. Do you remember or recall anything that he
11 mentioned about that house? Did he give it a certain name
12 or --

13 A. Oh no, no.

14 Q. Okay.

15 A. Not that particular house, no. I don't know if he
16 even said anything about that area, it was just that we were
17 slow. We weren't driving fast and I was looking around, that's
18 all. So I wasn't looking -- I was looking to my left when this
19 whole incident happened.

20 Q. Right.

21 A. So I don't know what happened on the right side of
22 the boat.

23 Q. Okay. And then, do you recall him saying anything
24 about or performing a safety briefing, the captain?

25 A. No, nothing was said about where the life preservers

1 were or how to put your life preservers on.

2 Q. How did the -- can you describe to me how the vessel
3 felt to you when you actually boarded, or when you came on?

4 A. Well, my only thought was, I didn't like the
5 appearance of the boat. I thought it was too small and I
6 didn't like the fact that they had seats, two people to sit on
7 one side of the boat and three people to sit on the other side
8 of the boat. I thought, you know, it's not going to be
9 balanced properly.

10 Q. Um-hum. How were the benches that you were sitting
11 on?

12 A. They were just wooden benches with backs.

13 Q. Comfortable?

14 A. Well, they're comfortable for a wooden bench.

15 Q. Did you at any time see any water coming into the
16 boat?

17 A. No, no, I didn't see that.

18 Q. Did you observe or hear any kind of strange or
19 mechanical noises --

20 A. No.

21 Q. -- or --

22 A. No.

23 Q. Okay.

24 A. The boat ran smooth up to this point. I mean, it
25 was -- it wasn't a rough, jerky ride. It was just smooth

1 riding along. And after that, I really wasn't too concerned
2 about the boat because it seemed to be operating all right.

3 Q. Um-hum. When it actually capsized, the boat
4 capsized, what was going on -- you were actually near the
5 propeller, right?

6 A. Yeah, I was --

7 Q. Or (indiscernible) --

8 A. I was pretty close to it. I was concerned that the
9 propeller might cut us.

10 Q. Okay. And can you describe the waters at all?

11 A. What do you mean by that?

12 Q. Calm, rough.

13 A. Well, I would say it was calm.

14 Q. Okay.

15 A. You know, normally ripply waves, but it wasn't heavy
16 and it wasn't big waves.

17 Q. Okay. Oh, did you notice any other -- or any
18 passengers with either wheelchairs or canes or walkers?

19 A. I did not, because when I got on the boat, most of
20 the people were on the boat, so I did not notice.

21 Q. How do you think that you were in the water?

22 A. I don't know, maybe five minutes. It wasn't a long
23 period of time, because a boat did come over. As soon as the
24 saw the accident, they came right over.

25 Q. When you first came onto the boat, did you have to

1 either take a step up or a step down or --

2 A. Just to get on the boat?

3 Q. Yeah.

4 A. Well, you had to walk across the little -- like a
5 gangplank.

6 Q. Um-hum.

7 A. A little, short distance and then you stepped down
8 into the boat.

9 MS. BURER: Okay. I'm okay for right now. Would you
10 like to ask, Pat?

11 BY MS. BARNES:

12 Q. Yes, Pat Barnes, Safety Board. You talk about the
13 boat going into to a cove.

14 A. Um-hum.

15 Q. Can you estimate basically how far you were --

16 A. Were in the cove?

17 Q. -- were from shore?

18 A. Well, we were closer to this part of the cove,
19 because I considered swimming from the boat to that part. But
20 then I thought, I got all these heavy clothes on and I know I
21 won't make, so I'm going to stay with the boat. But it seemed
22 that were further away from this part of the shore. Actually,
23 we were almost out where the water was freely flowing. I mean,
24 we were way in the -- too far into that cove area.

25 Q. And the -- as the boat was -- what direction do you

1 believe the boat was going when -- I'll let you draw -- when --

2 A. Well, I just remember that the boat was facing this
3 way. And frankly, some people said the boat started to speed
4 up and turn, and I don't remember it doing that.

5 Q. Okay. So you did not hear the engine throttle pick
6 up --

7 A. No.

8 Q. -- or anything?

9 A. No, I didn't.

10 Q. Okay. Okay. Now, when -- I realize that you loaded
11 pretty close to the end of the group.

12 A. Um-hum.

13 Q. But at any time, did you hear the captain advise
14 people to move --

15 A. No.

16 Q. -- in order of --

17 A. No.

18 Q. -- for balance?

19 A. No.

20 Q. Okay.

21 A. He did not. He did not get up and say, you should
22 move over here. No, he didn't make any statements like that.

23 MS. BARNES: Okay, that's all I have right now.

24 Steve, do you have some questions?

25 BY MAJ. RIVENBURGH:

1 Q. Steve Rivenburgh, Park Police. Ms. Milek, what did
2 you do for a living prior to --

3 A. I'm a retired registered nurse.

4 Q. Okay. And have you ever done much boating?

5 A. Yes, my son owns a pleasure boat and I go out on the
6 pleasure boat with him all the time. It's a 23-foot boat. And
7 I've been in rough waters on a boat.

8 Q. Okay. And you do swim well?

9 A. Yes, I could stay in the water for a long time and
10 keep myself up. With heavy clothes on, I don't know. But you
11 know, normally, I could.

12 Q. Your sister-in-law mentioned that you did give her
13 your PFD --

14 A. Um-hum.

15 Q. -- which I thought interesting.

16 A. Well, I knew she couldn't swim, and when we were
17 hanging onto that boat, I didn't think she was going to be able
18 to hang onto the boat. Because, you know, waves were coming --
19 because we were near the back and when boats started to come
20 towards us, they created a wake.

21 Q. Um-hum.

22 A. And those waves were splashing over us. So that's
23 all

24 I --

25 Q. And I noticed that -- I noted while you were -- you

1 were saying that you were looking off to the left side --

2 A. Um-hum.

3 Q. -- as you were going. Did you at any time look back
4 behind you or --

5 A. No, because it was --

6 Q. -- you know, you missed something and looked back at
7 it or --

8 A. No, it was kind of hard to turn and look back, and
9 I've got kind of a stiff neck, so I don't normally do that.

10 Q. Okay.

11 A. With ease, anyway.

12 Q. So you wouldn't have noticed what the wake of your
13 boat was making?

14 A. Oh, no, I really didn't. You know, I was interested
15 in what he was pointing out --

16 Q. Um-hum.

17 A. -- the beautiful homes that were passing, and he
18 mentioned who they belonged to.

19 Q. Uh-huh.

20 A. So I really wasn't paying attention to what the boat
21 was doing, as far as creating a wake.

22 Q. Okay.

23 A. But, in my opinion, he was not driving fast.

24 Because, you know, my son drives fast and I tell him to slow
25 down.

1 Q. Sons have that problem. Did you notice if he slowed
2 as he entered the cove, slowed the speed?

3 A. Yes, we were going slower, yes.

4 Q. But you didn't notice if he picked up speed when he
5 started to come out of the cove?

6 A. No, no, I really didn't.

7 Q. How deep into the cove did you go?

8 A. How deep into it?

9 Q. Um-hum.

10 A. We did not go real deep into it, just, I would say,
11 as it starts to become a cove area, because we did not get near
12 the shoreline at all, except for the one point that stuck out
13 into the lake.

14 Q. Um-hum.

15 A. And that was -- that was probably 20 feet. I mean, I
16 can't really judge distance, but I'd say about that,
17 approximately.

18 Q. Okay. You said you felt the boat start to roll?

19 A. Yes.

20 Q. And then it righted itself?

21 A. Just slightly. Just slightly. I was really very,
22 very surprised that we started tipping to the left, because I
23 didn't feel that water was rough at that point to make us tip.

24 Q. Um-hum.

25 A. But then, I wasn't sitting on the right-hand side to

1 see what was happening on that side.

2 Q. Okay. It slightly righted itself and then it went --

3 A. Just slightly and then it couldn't make it and it
4 just kept listing to the left. And then all of a sudden it was
5 just right over.

6 Q. Just prior to it going over, did people start sliding
7 in your direction?

8 A. Yeah, when it got way up.

9 Q. When it got way up?

10 A. When it got way up like this. People just -- we
11 walked through seats, some slipped to the floor. The ones I
12 saw were right beside me and they just slipped to the floor. I
13 don't recall anyone banging into me from that side, I think
14 they slid underneath us.

15 Q. Can you estimate at what angle they started that you
16 know --

17 A. Well, we weren't completely flipped, but it was
18 almost when that side of the boat was completely up. So I
19 would say maybe two-thirds of the way when the boat flipped
20 over.

21 Q. (Indiscernible).

22 A. Yeah.

23 Q. Anything else that you remember about that moment,
24 when they started to slide?

25 A. Just that I couldn't believe it was happening.

1 That's all. That was it. I just --

2 Q. At what point did you sense water?

3 A. Well, I don't know. This all happened so fast that I
4 really can't tell you. I would say within a couple of minutes
5 the whole thing happened. No more than five minutes.

6 Q. Do you remember, you know, anything about the water
7 coming in?

8 A. Well --

9 Q. Did it all just come at one time, did it start at one
10 part of the boat and come into the other part?

11 A. I didn't feel water until the boat had completely
12 flipped and I had gotten in the water.

13 Q. Okay.

14 A. I didn't feel any water coming into the boat prior to
15 that.

16 Q. Didn't sense it, didn't see it?

17 A. What?

18 Q. Didn't sense it or didn't see it?

19 A. No. No, I didn't.

20 MAJ. RIVENBURGH: Do you have any follow-up?

21 MS. BURER: I have no follow-up.

22 Well, thank you very much. Are you okay? Okay.

23 Could you just --

24 MS. MILEK: Acknowledge?

25 MS. BURER: Yeah, thank you, I went totally blank.

1 Could you acknowledge that this has been recorded, please?

2 MS. MILEK: I acknowledge that I have recorded my
3 experience of this boat accident.

4 MS. BURER: Okay. Thank you very much.

5 (Whereupon, the interview in the above-entitled
6 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MV Ethan Allen
 Lake George, New York,
 October 2, 2005
 Interview of Lillian Milek

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 5, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

David Martini
Transcriber (p. 1-16)

Kim Zogby
Transcriber (p. 16-20)